

REMARKS

In the February 15, 2007 Office Action, claims 1, 2, 4-10, 12-17 and 20-24 stand rejected in view of prior art, while claims 3, 11, 18 and 19 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

Status of Claims and Amendments

In response to the February 15, 2007 Office Action, Applicant has amended claims 1-3, 8, 9, 11, 16 and 18 as indicated above. Thus, claims 1-24 are pending, with claims 1, 3, 8, 11, 16 and 18 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

In paragraph 1 of the Office Action, the Examiner indicates that the drawings filed with this application have been accepted as formal drawings. Applicant thanks the Examiner for this acknowledgement.

Specification

Applicant has amended the specification by the current Amendment to correct informalities in paragraphs [0009] and [0010]. Applicant has also corrected the corresponding language in claims 2, 3, 9 and 11.

Rejections - 35 U.S.C. § 102

In paragraphs 2-4 of the Office Action, claims 1, 2, 4-6, 8-10, 12-14, 16-17 and 20-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. 03/064242 (the '242 publication) or International Application No. 00/68068 (the '068 publication). In paragraph 4 of the Office Action, the Office Action indicates that claims 1, 2, 4-6, 8-10, 12-14, 16, 17 and 20-23 are rejected as being anticipated by '242 publication. However, in the details of paragraph 4, it appears that the Office Action is relying on the '068 publication. Accordingly, Applicant respectfully request that this point be clarified in the

next communication from the Examiner. In any case, Applicant has amended Independent claims 1, 8 and 16 to more clearly define the present invention over the prior art of record.

Claims 1, 2 and 4-6

Independent claim 1 now requires a support structure, an axle rotatably supported by the support structure with at least one bearing to rotate about an axis, a mount member mounted on the axle to rotate together, the mount member being configured and arranged to receive a plurality of drive members operatively coupled to a rotatable driving member with an endless drive member, the mount member being enclosed in the support structure. Clearly, this structure is **not** disclosed or suggested by the '242 publication or the '068 publication.

Specifically, in the '242 publication, the axle (54) is ***non-rotatably fixed*** to the frame, and the frame does not enclose the so-called mount member (53). In other words, in the '242 publication, the axle (54) is not rotational about an axis, and the mount member (53) is not enclosed whatsoever, especially not by any support structure rotationally supporting the axle (54). The axle (54) is non-rotatably supported. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claim 1 is not anticipated by the '242 publication, especially as now amended. Accordingly, withdrawal of the rejection of independent claim 1 based on the '242 publication is respectfully requested.

With respect to the '068 publication, this reference suffers from deficiencies similar to those of the '242 publication. Specifically, the axle (4) of the '068 publication is ***non-rotatably fixed*** to the frame. Thus, the '068 publication can not disclose a support structure rotationally supporting the axle (4), and which encloses the so-called mount member (20). It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claim 1 is not anticipated by the '068 publication, especially as now amended. Accordingly, withdrawal of the rejection of independent claim 1 based on the '068 publication is respectfully requested.

Applicant believes that dependent claims 2 and 4-6 are also allowable over the prior art of record in that they depend from independent claim 1, and thus, are allowable for the reasons stated above. Also, these dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does

not anticipate independent claim 1, neither does the prior art anticipate dependent claims 2 and 4-6. Accordingly, withdrawal of the rejections of dependent claims 2 and 4-6 are respectfully requested.

Claims 8-10 and 12-14

Independent claim 8 now requires a support structure, an axle rotatably supported by the support structure with at least one bearing to rotate about an axis, a plurality of drive members mounted on the axle to rotate together, with one of the drive members being operatively coupled to a rotatable driving member with an endless drive member, the plurality of drive members mounted on the axle being enclosed in the support structure. Clearly, this structure is **not** disclosed or suggested by '242 publication or '068 publication.

Specifically, as explained above with respect to independent claim 1, both the '242 publication and the '068 publication lack an axle rotationally supported by a support structure which encloses a mount member. Similarly, these references lack a support structure that rotatably supports an axle with the support structure enclosing a plurality of drive members mounted on the axle as set forth in independent claim 8. Accordingly, withdrawal the rejections of independent claim 8 based on '242 publication and/or '068 publication are respectfully requested.

Applicant believes that dependent claims 9, 10 and 12-14 are also allowable over the prior art of record in that they depend from independent claim 8, and thus, are allowable for the reasons stated above. Also, these dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claim 8, neither does the prior art anticipate dependent claims 9, 10 and 12-14. Accordingly, withdrawal of the rejections of dependent claims 9, 10 and 12-14 are respectfully requested.

Claims 16, 17 and 20-23

Independent claim 16 now requires a rotatable driving member configured and arranged to rotate about a first axis, a rotatable driven member configured and arranged to rotate about a second axis, an intermediate transmission operatively coupled between the rotatable driving member and the rotatable driven member, the intermediate transmission including an axle, a plurality of intermediate drive members configured and arranged to rotate the axle about a third axis offset from the first and second axes, an endless drive member operatively coupled between the rotatable driving member and one of the intermediate drive

members. Clearly, this structure is **not** disclosed or suggested by '242 publication or '068 publication.

The Office Action basically indicates that the arrangement of independent claim 16 is inherently disclosed by the '068 publication, without further explanation. Applicant respectfully disagrees, especially in view of the amendments to independent claim 16. In particular, as mentioned above, the '068 publication fails to disclose a plurality of intermediate drive members configured to arranged to rotate an axle of an intermediate transmission whatsoever. The so-called axle (4) in the '068 publication is fixed to the frame. Thus, it is unclear how the Office Action is interpreting this reference to inherently disclose the invention of independent claim 16, especially in view of the interpretation of this reference in the preceeding paragraphs of the Office Action. In any case, Applicant has further clarified this claim to even more clearly distinguish the '068 publication, i.e., to require a plurality of intermediate drive members configured and arranged to rotate the axle about a third axis offset from the first and second axes. Regardless of the interpretation of the '068 publication, Applicant believes the arrangement of independent claim 16 is not disclosed or suggested in the '068 publication. Accordingly, withdrawal of the rejection of independent claim 16 is respectfully requested.

Applicant believes that dependent claims 17 and 20-23 are also allowable over the prior art of record in that they depend from independent claim 16, and thus, are allowable for the reasons stated above. Also, these dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claim 16, neither does the prior art anticipate dependent claims 17 and 20-23. Accordingly, withdrawal of the rejections of dependent claims 17 and 20-23 are respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraphs 6 and 7 of the Office Action, claims 7, 15 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '068 publication in view of the '242 publication. In response, Applicant has amended independent claims 1, 8 and 16 as mentioned above to more clearly define the present invention over the prior art of record.

As explained above, neither the '068 publication nor the '242 publication disclose certain limitations of the independent claims 1, 8 and 16, especially as now amended. Thus,

even if these references were combined and suggested in the Office Action, a hypothetical device created by such a combination could not result the unique arrangement of these independent claims.

Specifically, neither '068 publication nor the '242 publication disclose a mount member enclosed by a support structure that rotatably supports an axle with a bearing as set forth in independent claim 1. Similarly, neither '068 publication nor the '242 publication disclose a plurality of drive members enclosed by a support structure that rotatably supports an axle with a bearing as set forth in independent claim 8. Finally, neither the '068 publication nor the '242 publication disclose the arrangement of the rotatable driving member, the rotatable driven member and the plurality of intermediate drive members rotatable about first, second and third axis, respectively, as set forth in independent claim 16. In other words, since neither '068 publication nor the '242 publication disclose certain limitations of the independent claims, a hypothetical combination of these references can not disclose the arrangement of these independent claims as suggested in the Office Action. Accordingly, the arrangements of dependent claims 7, 15 and 24, which depend form these independent claims, respectively, can not be disclosed by a hypothetical combination of these references, as suggested in the Office Action. Accordingly, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

Allowable Subject Matter

In paragraph 8 of the Office Action, claims 3, 11, 18 and 19 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicant has amended claims 3, 11 and 18 to place them in independent form to accept the allowable subject matter. Thus, claims 3, 11, 18 and 19 are now believed to be allowable.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

Appl. No. 10/807,267
Amendment dated May 15, 2007
Reply to Office Action of February 15, 2007

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-24 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,



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